Patent
Attorney's Docket No. 022650-685

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Richard DEROSE et al.

Continuation of Application
Serial No. 09/000,062,
filed May 29, 1998

Filed: December 21, 2001

For: ISOLATED DNA SEQUENCE CAPABLE OF SERVING AS REGULATORY ELEMENT IN A CHIMERIC GENE WHICH CAN BE USED FOR THE TRANSFORMATION OF PLANTS

Group Art Unit: 1638

Examiner: O. Zaghmout

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98:

U.S. Patent Nos. 5,491,288; 5,635,618; 5,510,471; 4,535,060; and 4,971,908;

Foreign Patent Documents 0507698 EP; 95/06128 WO; 0652286 EP; and 0508909 EP;

Sundas et al., *Plant Molecular Biology*, Vol. 21, pp. 595-605 (1993), Kluwer Academic Publishers, The Netherlands;

Chaubet et al., *Journal of Molecular Biology*, Vol. 225, pp. 569-574 (1992), Academic Press, USA;

Tanaka et al., *Nucleic Acids Research*, Vol. 18, No. 23, pp. 6767-6770 (1990), Oxford University Press, United Kingdom;

Sinibaldi et al., *Progress in Nucleic Acid Research and Molecular Biology*, Vol. 42, pp. 229-257 (1992), Academic Press, USA;

Seiler-Tuyns et al., *Nucleic Acids Research*, Vol. 14, No. 22, pp. 8845-8862 (1986), Oxford University Press, United Kingdom;

CHOI et al, "A Generic Intron Increases Gene Expression in Transgenic Mice", *Molecular and Cellular Biology*, (1991) Vol. 11, No. 6, pp. 3070-3074, American Society for Microbiology, USA;

JAYAWARDENE et al, "Molecular cloning, sequence analysis and differential expression of an intron-containing gene encoding tomato histone H1", *Eur. J. Bioch.* (1994) Vol. 223:693-699, FEBS, Canada; and

CORNEJO et al., "Activity of a maize ubiquitin promoter in transgenic rice", *Plant Molecular Biology* (1993) Vol. 23:567-581, Kluwer Academic Publishers, Belgium.

The documents are being submitted within 3 months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later, therefore no fee or certification is required under 37 C.F.R. § 1.97(b).

Copies of the listed documents were previously submitted in prior Application Serial No. 09/000,062, filed May 29, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. In accordance with 37 C.F.R. § 1.98(d), copies of the listed documents are not included.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

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Date: December 21, 2001

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

ATTORNEY'S DKT NO.	CONTINUATION OF APPLICATION SERIAL NO.
022650-685	09/000,062
APPLICANT: Richard DEROSE et al.	
FILING DATE: December 21, 2001	GROUP: 1638

U.S. PATENT DOCUMENTS

Examiner Initials	U.S. Patent Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication (MM-DD-YYYY)
	5,491,288		Chaubet et al	02/13/96
	5,635,618		Capellades et al	06/03/97
	5,510,471		Lebrun et al	04/23/96
	4,535,060		Comai	08/13/85
	4,971,908		Kishore et al	11/20/90

FOREIGN PATENT DOCUMENTS

Examiner Initials	Foreign Patent Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation Yes	Translation no
	0 507 698		Europe	10/07/92		
	95/06128		WO	03/02/95		
	0 652 286		Europe	05/10/95		
	0 508 909		Europe	10/14/92		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	SUNDAS et al, "Genes Encoding a Histone H3.3-like Variant in *Arabidopsis* Contain Intervening Sequences", *Plant Molecular Biology*, (1993) Vol. 21, pp. 595-605, Kluwer Academic Publishers, The Netherlands.
	CHAUBET et al., *Journal of Molecular Biology*, Vol. 225, pp. 569-574 (1992), Academic Press Limited, USA.
	TANAKA et al, *Nucleic Acids Research*, Vol. 18, No. 23, pp. 6767-6770 (1990), Oxford University Press, United Kingdom.
	SINIBALDI et al, *Progress in Nucleic Acid Research and Molecular Biology*, Vol. 42, pp. 229-257 (1992), Academic Press, USA.
	SEILER-TUYNS et al, *Nucleic Acids Research*, Vol. 14, No. 22, pp. 8845-8862 (1986), Oxford University Press, United Kingdom.
	CHOI et al, "A Generic Intron Increases Gene Expression in Transgenic Mice", *Molecular and Cellular Biology*, (1991) Vol. 11, No. 6, pp. 3070-3074, American Society for Microbiology, USA.
	JAYAWARDENE et al, "Molecular cloning, sequence analysis and differential expression of an intron-containing gene encoding tomato histone H1", *Eur. J. Bioch.* (1994) Vol. 223:693-699, FEBS, Canada.
	CORNEJO et al., "Activity of a maize ubiquitin promoter in transgenic rice", *Plant Molecular Biology* (1993) Vol. 23:567-581, Kluwer Academic Publishers, Belgium.

Examiner Signature		Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.